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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11) CASE NO. CR
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Plaintiff(s),
v.
Defendant(s).

DISCOVERY AND TRIAL ORDER IN
CRIMINAL CASES BEFORE JUDGE
S. JAMES OTERO UNITED STATES
DISTRICT COURT

17 READ THIS ORDER CAREFULLY.
18 IT CONTROLS THIS CASE AND
19 DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.

20 This case has been assigned to the calendar of The Honorable S. James Otero. To obviate
21 unnecessary motions for discovery in criminal actions, proceedings, matters, or cases assigned
22 to the undersigned Court for trial, the Court notes the following:

- 23 1. **Court Hours:** Criminal motions are heard on MONDAY at 10:00 a.m., unless the Court
24 orders otherwise. (If Monday is a holiday, the next motion date is Tuesday following the
25 Monday holiday.) It is not necessary to clear a motion date. Motions *in limine* are heard
26 on Tuesday, on the FIRST DAY OF TRIAL, at 9:00 a.m.
- 27 2. **Location:** Judge Otero's courtroom is located in Room 1600, United States District Court,
28 312 North Spring Street, 16th Floor, Los Angeles, California 90012.

- 1 **3. Telephone Inquiries:** Telephone inquiries regarding the status of a motion, stipulation or
2 proposed order are NOT returned.
- 3 a. Counsel may, however, sign-up for Pacer access to monitor the clerk's database.
4 See www.cacd.uscourts.gov > General Information > Pacer Access.
- 5 b. Counsel are referred to the clerk's website at www.cacd.uscourts.gov > Judges'
6 Procedures and Schedules > Hon. S. James Otero for further information regarding
7 the Court's preferences.
- 8 **4. Communication with Chambers:** If counsel is requesting information that can be
9 obtained from the Court's 24-hour automated calling system or internet website at
10 www.cacd.uscourts.gov, such call will not be returned.
- 11 a. For the 24-hour automated calling system, please call the appropriate number
12 below:
- 13 i. Western Division at Los Angeles (213) 894-1565;
14 ii. Eastern Division at Riverside (909) 328-4450; or
15 iii. Southern Division at Santa Ana (714) 338-4750.
- 16 b. Counsel may access the Court's website for local rules, filing procedures, judges'
17 procedures and schedules, calendars, forms, and other information. Counsel are
18 not to initiate telephone calls to Judge Otero's chambers, law clerks or secretary.
19 However, if counsel need to contact the Courtroom Deputy Clerk, Victor Cruz,
20 Mr. Cruz may be reached at (213) 894-1796 or via e-mail at
21 victor_cruz@cacd.uscourts.gov.
- 22 c. Counsel are ordered to list their facsimile transmission number along with their
23 address, telephone number, and e-mail address on all papers submitted to the Court
24 in order to facilitate communication by the Court.
- 25 **5. Calendar Conflicts:** If there is a calendar conflict, counsel are to inform the Courtroom
26 Deputy Clerk prior to the date of the conflict and are to follow the Local Rules and Federal
27 Rules of Criminal Procedure.
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- 1 **6. Transcripts:** To order a transcript, counsel are to call the Court Reporter's Office at
2 (213) 894-3015.
- 3 **7. Courtesy Copies:** Counsel are ordered to provide conformed courtesy copies without
4 envelopes of all motions, oppositions, and replies. Documents are to be placed in the drop-
5 box outside the courtroom on the 16th floor, United States District Court, 312 North Spring
6 Street, Los Angeles, California 90012 by 5:00 p.m. (PST) on the day of the filing. Further,
7 counsel are ordered to e-mail courtesy copies of all trial documents to the Courtroom
8 Deputy Clerk, Victor Cruz.
- 9 **8. Discovery and Discovery Cut-Off:**
- 10 a. Counsel for the government and counsel for defendant shall comply promptly with
11 discovery and notice pursuant to Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16.
- 12 b. Discovery by Defendant: Within seven (7) days of the trial setting of any criminal
13 action, proceeding, matter or case, the United States Attorney, or an Assistant
14 United States Attorney, and the defendant's attorney shall meet and confer, and
15 upon request of the attorney for the defendant, the government shall provide
16 defendant's attorney with:
- 17 i. **Statement of Defendant:** The government shall disclose to defendant's
18 attorney its intent to use any statements or confessions made by the
19 defendant. If defendant questions the admissibility of such statement or
20 confession, the hearing required by *Jackson v. Denno*, 378 U.S. 368 (1964),
21 shall be held on the day of trial prior to the opening statements of counsel.
22 The government shall permit defendant's attorney to inspect and copy or
23 photograph any relevant written or recorded statements or confessions made
24 by the defendant, or copies thereof, within the possession, custody or control
25 of the government, the existence of which is known, or may become known,
26 to the attorney for the government. The government shall advise defendant's
27 attorney of the substance of an oral statement available to the government
28 in response to any interrogation by an employee or agent of any

1 governmental agency, local, state, or federal, or private source involved in
2 the investigation or reporting of the offense(s) charged in the
3 information/indictment.

4 ii. **Reports or Examinations and Tests:** The government shall permit
5 defendant's attorney to inspect and copy or photograph any relevant results
6 or reports of physical or mental examinations, and of specific tests or
7 experiments made in connection with the case, or copies thereof, within the
8 possession, custody or control of the government, the existence of which is
9 known, or may become known, to the attorney for the government and which
10 are material to the defendant's case.

11 iii. **Testimony Before the Grand Jury:** The government shall permit
12 defendant's attorney to inspect and copy or photograph any relevant
13 recorded testimony of the defendant before a grand jury.

14 iv. **Documents and Tangible Objects:** The government shall permit
15 defendant's attorney to inspect and copy or photograph books, papers,
16 documents, tangible objects, buildings or places which are the property of the
17 defendant and which are within the possession, custody or control of the
18 government.

19 v. **Prior Record:** The government shall make known to defendant's attorney
20 the defendant's prior criminal record in the possession of the attorney for the
21 government.

22 vi. **Evidence Favorable to the Defendant:** The government shall permit
23 defendant's attorney to inspect, copy or photograph any evidence favorable
24 to the defendant.

25 vii. **Electronic Surveillance:** The government shall advise defendant's attorney
26 of the existence or non-existence of any evidence in the possession of the
27 government obtained as the result of any electronic surveillance or wiretap.
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- viii. **Informers:** The government shall advise defendant's attorney of the contemplated use of informer testimony (fact of informer only, not name or testimony).
- ix. **Brady Material:** The government shall permit defendant's attorney to inspect and copy or photograph all material within the purview of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972).
- x. **Expert Witnesses:** The government shall permit defendant's attorney to inspect and copy or photograph a written resume of the qualifications of any expert witness which the United States Attorney intends to call in the case in chief together with a statement of the substance of such expert's expected testimony.
- c. If, in the judgment of the United States Attorney, it would not be in the interest of justice to make any one or more disclosures set forth in paragraph (b) and requested by defendant's counsel, disclosure may be declined, and defense counsel is advised to immediately bring a formal noticed motion to the Court.
- d. **Discovery by Government:**
- i. **Expert Witnesses:** The defendant's attorney shall at the conference disclose to the United States Attorney a written resume of the qualifications of any expert witness which the defendant intends to call in his case in chief together with a statement of the substance of such expert's expected testimony.
- ii. **Scientific or Medical Reports:** The defendant's attorney shall at the conference disclose to the United States Attorney the results (original or a copy) of any scientific or medical report which defendant intends to use in the presentation of his case in chief.
- iii. **Defense of Alibi:** The United States Attorney shall at the conference notify defendant in writing of the specific time, date and place at which the

1 offense/offenses charged in the information/indictment is/are alleged to have
2 been committed.

3 (1) Defendant shall in writing, within three (3) days thereafter, notify the
4 United States Attorney of the specific place at which he claims to have
5 been at the time of the alleged offense/offenses to which a defense of
6 alibi will be addressed and the names and addresses of the witnesses
7 upon whom he intends to establish such alibi.

8 (2) Within five (5) days thereafter or such other time as the Court may
9 direct, the United States Attorney shall inform the defendant of the
10 names and addresses of the witnesses upon whom the government
11 intends to establish defendant's presence at the scene of the alleged
12 offense/offenses.

13 (3) Failure to comply with the time limits set forth herein shall invoke the
14 sanction provided in Federal Rules of Criminal Procedure Rule
15 12.1(d).

16 iv. **Defense Based on Mental Condition:** The defendant's attorney shall at the
17 conference disclose to the United States Attorney in writing that the
18 defendant will rely upon the defense of insanity at the time of the alleged
19 crime, or of mental disease, defect or other condition bearing upon whether
20 he had the mental state required for the offense/offenses charged.

21 (1) Notice of such claimed defense shall also be filed with the Clerk.

22 (2) Failure to give such notification in writing shall involve the sanctions
23 set forth in Federal Rules of Criminal Procedure Rule 12.2(d).

24 v. **Entrapment:** The defendant's attorney shall at the conference disclose to
25 the United States Attorney that defendant will rely on the defense of the
26 procurement of government employees or agents to commit the
27 offense/offenses charged in the information/indictment.
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- 1 e. **Report of Conference:** Within five (5) days of the completion of the conference
2 required herein, the parties shall file a Joint Statement:
- 3 i. That the prescribed conference was held;
- 4 ii. The date of the said conference;
- 5 iii. The name of the Assistant United States Attorney with whom the conference
6 was held;
- 7 iv. The contested matters of discovery and inspection and any additional
8 discovery or inspection desired by the defendant;
- 9 v. The fact of disclosure of all material favorable to the defendant or the
10 absence thereof within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963)
11 and related cases;
- 12 vi. The resolution of foundational objections to documentary evidence proposed
13 to be used by both parties (except for the purposes of impeachment);
- 14 vii. The resolution of chain of custody (where in issue); and
- 15 viii. The resolution of the admissibility of scientific analysis without need of calling
16 the expert at the trial.
- 17 f. **Continuing Duty of Counsel:** Any duty of disclosure and discovery set forth herein
18 is a continuing one.
- 19 g. **Objections to Evidence:** Unless specific objection to the evidentiary foundation of
20 any document, photograph, book, paper, or other tangible object disclosed by the
21 required conference of counsel is made in the report to the Court hereafter required
22 to be filed, it shall be deemed that the requirement of foundation (including chain of
23 custody) for the introduction of such evidence at trial is waived.
- 24 i. If a report produced at the required conference of counsel contains the result
25 of a scientific test, performed by a competent expert witness (as shown by
26 a resume) is not objected to in the report to the Court hereafter required to
27 be filed, an objection to the admissibility of said report in lieu of the testimony
28

1 of the expert performing such scientific test shall be deemed to have been
2 waived.

3 h. This order is not intended to preclude discovery by the government pursuant to Rule
4 16(c) of the Federal Rules of Criminal Procedure.

5 i. It shall be the joint duty of counsel for the defendant and the United States Attorney
6 to schedule and hold the conference contemplated herein.

7 i. The United States Attorney shall assure time and availability for such
8 conference within the time herein provided unless the discovery conference
9 is waived in writing by defendant and his counsel and such waiver is filed with
10 the Court.

11 ii. Counsel for defendant shall (1) have reviewed all the disclosures made and
12 received, and (2) had sufficient discussion with his/her client and the United
13 States attorney by the time of the first status conference with the Court to
14 enable counsel to meaningfully discuss with the Court at said status
15 conference the disposition and likelihood of trial of this case.

16 iii. The government shall be represented at all status conferences with the Court
17 by the Assistant United States Attorney who is assigned to the trial of the
18 case, and who is most knowledgeable about the aforesaid matters, as well
19 as any other matters scheduled for discussion with the Court at the status
20 conferences.

21 j. The Clerk is ordered to serve a copy of this Order personally or by mail on all
22 counsel for parties to this action.

23 **9. Trial**

24 a. **Last Conference Prior to Trial:** Before trial commences, the Court will give
25 counsel an opportunity to discuss administrative matters and anticipated procedural
26 or legal problems. At that time, we will discuss *voir dire* procedures, *Batson*
27 objections, and any unusual factors. Counsel for the government shall bring to the
28 meeting the Attached Trial Witness Estimate Form which all counsel should have

filled in. In the event defendant's counsel has not provided estimates for cross-examination, she or he will have to do so at the Last Conference.

b. Counsel shall arrive at the courtroom thirty (30) minutes before the scheduled trial time on the first day of trial.

c. Defense counsel **MUST** present appropriate number of copies of exhibits for all parties to the action.

d. Counsel for the government shall present the Courtroom Deputy Clerk with the following documents on the first day of trial:

i. **Three (3) copies** of the government's witness list.

ii. **Three (3) copies** of the government's exhibit list in the form specified in Local Rule 9.9 (Civil).

iii. **All of the government's exhibits**, with official exhibit tags attached and bearing the same number shown on the exhibit list.

(1) Defendant's counsel does not have to deliver his or her exhibits to the Courtroom Deputy Clerk on the first day of trial; however, defendant's counsel is responsible for affixing completed exhibit tags with the case name and case number to his or her exhibits which are intended to be used in the defendant's case.

(2) Exhibit tags can be obtained from the receptionist in the main Clerk's Office, located at 312 North Spring Street, Room G-8.

(3) Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50, etc. Counsel for both (all) sides should agree on the range of numbers to be assigned (e.g., Government exhibits to be 1-99, Defendant One to be 100-199; Defendant Two 200-299, etc.) If a blow up is an enlargement of an existing exhibit, it shall be designated with the number of the original exhibit followed by an "A".

(4) Counsel for the government should be aware that the Court will order that exhibits such as firearms, narcotics, etc., remain in the custody

of the agent(s) during the pendency of the trial. The agent(s) will be required to sign the appropriate form in order to take custody of such exhibits. It shall be the responsibility of the agent(s) to produce said items for the Court, secure them at night and guard them at all times while in the courtroom.

- iv. **A Bench Book** containing a copy of all exhibits that can be reproduced.
- (1) Each exhibit shall be tabbed with the exhibit number for easy referral. Defendant's counsel shall provide the Court with a copy of their exhibits as they are introduced during trial.
- v. **Exhibit List:** The exhibit list shall be e-mailed to the Courtroom Deputy Clerk. A copy of the exhibit list with all admitted exhibits will be given to the jury during deliberations. Government and defense counsel shall review and approve the exhibit list with the Courtroom Deputy Clerk prior to it being given to the jury.
- vi. **Witness List:** Counsel shall submit a joint witness list listing each witness. Counsel shall identify witnesses who will actually testify at trial.
- (1) **Trial Witness Estimate:** The witness list and summary must give accurate time estimates for each witness to conduct direct, cross, re-direct and re-cross. Counsel shall include a summary of the testimony of each witness. If more than one witness is offered on the same subject matter, the witness summary should be sufficiently detailed to allow the Court to determine if the testimony is cumulative.
- (2) The list shall be substantially in the form indicated by the following example:

CASE: _____ TRIAL DATE: _____

Witness Name	Party Calling Witness and Estimate	Cross Examiner's Estimate	Description of Testimony	Comments

vii. **Witness Statement:** The United States Attorney shall file with the Court *in camera* a list of the statements of all witnesses to be called by the government in its case in chief.

(1) Such statement shall be filed at least ten (10) days before trial.

(2) Such statement shall include the name of the person taking the statement.

(3) Failure to file such statement with the Court may, at the discretion of the Court, preclude the presentation testimony of any witness whose statement has been previously taken and available to the government.

e. If counsel need to arrange for the installation of their own additional equipment, such as a video monitor, overhead projector, etc., refer to the Court website at www.cacd.uscourts.gov under "Services" in order to reserve this equipment so that necessary arrangements can be made.

f. Before trial commences, the Court will give counsel an opportunity to discuss administrative matters and anticipated procedural or legal issues. During the trial, if there are any matters counsel wish to discuss, counsel shall inform the Courtroom Deputy Clerk.

g. The trial before the jury shall commence promptly at 9:00 a.m. or earlier at the direction of the Court. Counsel are urged to anticipate matters which may need discussion or hearing outside of the presence of the jury and to raise them during this period, during breaks, or at the end of the day.

10. **Joint Statement:** Counsel shall file their Joint Statement of the Case which the Court shall read to all prospective jurors prior to the commencement of *voir dire*. The statement shall not exceed one page. The Joint Statement is to be submitted no later than THE WEDNESDAY OF THE WEEK PRIOR TO TRIAL.

1 **11. Jury Instructions and Verdict Forms**

- 2 a. **Jury Instructions:** Counsel must submit proposed SUBSTANTIVE and GENERAL
3 instructions.
- 4 i. In those cases where a special verdict is desired, counsel shall submit a
5 proposed verdict form with the jury instructions.
- 6 b. The parties must submit **joint jury instructions** and a **joint proposed verdict form**
7 (if a special verdict is desired). In order to produce these joint instructions, the
8 parties shall meet and confer sufficiently in advance of the required submission date
9 with the goal of agreeing upon instructions and verdict forms. The jury instructions
10 shall be submitted as follows:
- 11 i. JOINT JURY INSTRUCTIONS, those instructions which are agreed to by all
12 parties; and
- 13 ii. DISPUTED JURY INSTRUCTIONS, those instructions propounded by a
14 party to which another party objects.
- 15 iii. Objections to disputed INSTRUCTIONS shall be filed no later than the
16 FRIDAY BEFORE the trial. Each requested jury instruction shall be
17 numbered and set forth in full on a separate page, citing the authority or
18 source of the requested instruction.
- 19 c. The Court prefers counsel to use the instructions from the MANUAL OF MODEL
20 CRIMINAL JURY INSTRUCTIONS FOR THE NINTH CIRCUIT, West Publishing,
21 latest edition. Another suggested source is FEDERAL JURY PRACTICE AND
22 INSTRUCTIONS, Devitt, Blackmar, Wolff and O'Malley, West Publishing Co.,
23 current edition.
- 24 d. The Court will send several copies of the jury instructions into the jury room for use
25 by the jury during deliberations. Accordingly, in addition to the filed copies, an extra
26 set of the proposed instructions (the "Jury Copy") shall be submitted to the Court
27 with only the text of an instruction on each page (i.e., no titles, supporting authority,
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1 indication of party proposing, etc.). This will be referred to as the “Jury Copy” of the
2 instructions. (Duplicates will be made by the Court.)

3 e. **Special Verdict:** If counsel seek a special verdict, counsel shall follow the
4 procedure set forth in paragraphs b and c in order to formulate a Joint Proposed
5 Verdict Form. Counsel shall submit the proposed verdict form with the proposed
6 jury instructions.

7 f. An **Index Page** shall accompany all jury instructions that are submitted to the Court.
8 The index shall indicate the following:

- 9 i. The number of the instruction;
- 10 ii. A brief title of the instruction;
- 11 iii. The source of the instruction; and
- 12 iv. The page number of the instruction.

13 For example:

<i>Number</i>	<i>Title</i>	<i>Source</i>	<i>Page Number</i>
<i>1</i>	<i>Duty of the Jury</i>	<i>9th Cir. 1.01</i>	<i>5</i>

16 **12. Instructions Governing Procedure During Trial**

17 a. The hours for the first day of trial are Tuesday from 9:00 a.m. to 5:00 p.m.
18 Thereafter, the hours shall be from 9:00 a.m. to 5:00 p.m. daily with two fifteen (15)
19 minute breaks and a lunch recess from 12:00 p.m. to 1:30 p.m. Trials shall be held
20 Tuesday through Friday.

21 b. Opening statements, examination of witnesses, and closing arguments should be
22 made from the lectern only.

23 c. Counsel shall not refer to their clients or any witness by their first names during trial.

24 d. Counsel shall not discuss the law or argue the case in opening statements.

25 e. When objecting, counsel shall state only that counsel is objecting and the legal
26 ground of the objection, e.g., hearsay, irrelevant, etc. Counsel shall *not* argue an
27 objection before the jury.
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- 1 f. Counsel shall *not* approach the Courtroom Deputy Clerk or the witness box without
2 the Court's permission.
- 3 g. Counsel shall return to the lectern when his or her purpose has been accomplished.
- 4 h. Counsel shall not enter the well of the Court without the Court's permission.
- 5 i. Counsel shall rise when addressing the Court. In jury cases, please rise when the
6 jury enters or leaves the courtroom.
- 7 j. Counsel shall address all remarks to the Court.
- 8 k. Counsel shall not directly address the Courtroom Deputy Clerk, the reporter, or
9 opposing counsel.
- 10 l. If counsel wish to speak with opposing counsel, counsel shall ask permission to talk
11 to counsel OFF THE RECORD.
- 12 m. All requests for the re-reading of questions or answers or to have an exhibit placed
13 in front of a witness shall be addressed to the Court.
- 14 n. Counsel shall not make an offer of stipulation unless counsel has conferred with
15 opposing counsel and reached an agreement.
- 16 o. Any stipulation of fact will require the defendant's personal concurrence and shall
17 be submitted to the Court in writing for approval.
- 18 p. A proposed stipulation shall be explained to him or her in advance.
- 19 q. While the Court is in session, counsel shall not leave the counsel table to confer with
20 investigators, secretaries, or witnesses unless permission is granted in advance.
- 21 r. When a party has more than one lawyer, only one may conduct the examination of
22 a given witness and only that same lawyer may handle objections during the
23 testimony of that witness.
- 24 s. If a witness was on the stand at a recess or adjournment, counsel shall have the
25 witness back on the stand and ready to proceed when Court resumes.
- 26 t. Counsel shall not run out of witnesses. If counsel is out of witnesses and there is
27 more than a brief delay, the Court may deem that counsel has rested.
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- u. The Court attempts to cooperate with doctors and other professional witnesses and will, except in extraordinary circumstances, accommodate them by permitting them to be out of sequence. Counsel should anticipate any such possibility and discuss it with opposing counsel. If there is an objection, counsel shall confer with the Court in advance.
 - v. Counsel are advised to be on time as the Court starts promptly.
 - w. Counsel should not by facial expression, nodding, or other conduct exhibit any opinions, adverse or favorable, concerning any testimony which is being given by a witness. Counsel should similarly admonish their own clients and witnesses to avoid such conduct.
 - x. SPEAK UP when making an objection, the acoustics in the courtroom make it difficult for all to hear an objection when it is being made.
 - y. **Questionnaires:** If any counsel wishes to submit a written questionnaire to each prospective juror, s/he shall move in writing for leave to do so, and shall include the proposed questionnaire with the motion. Because the Jury Department needs ample time to arrange for pre-selected jurors to be available to complete a questionnaire, such motion shall be filed not later than nine (9) weeks before the trial date, to be heard not later than five (5) weeks before the trial date.
 - z. **Voir Dire:** At least four (4) court days prior to trial, each counsel shall file with the Clerk and served on opposing counsel any special question requested to be put to prospective jurors on *voir dire*. The parties need not submit requests for standard *voir dire* questions, such as education, current occupation, marital status, prior jury service, etc., but should include only proposed questions specifically tailored to the parties and issues of the case.
13. **Motions and Motion Cut-Off Date:** Unless the Local Rules prescribe a different time for filing a particular motion, all pretrial motions and motions *in limine*, except motions governed by Local Criminal Rule 9, shall be filed and served not later than twenty-one (21) days before the trial and set for hearing not later than the Monday eight (8) days prior to

trial at 9:00 a.m., or otherwise allowed by the Court. Counsel's estimate of the time required for presentation of the motion must be set forth adjacent to the caption.

a. The party opposing the motion shall file a response not later than fourteen (14) days before trial or not later than seven (7) days after service of the motion, whichever is earlier, or as otherwise allowed by the Court. Responding counsel's estimate of the time required for presentation of opposition of the motion must be set forth in the caption of the responding papers.

b. All criminal law and motion matters shall be filed at Room 178 of the Roybal Building, located at 255 East Temple Street, Los Angeles, California 90012.

c. Memoranda of points and authorities in support of or in opposition to motions shall not exceed twenty-five (25) pages. Replies shall not exceed twelve (12) pages. Only in rare instances and for good cause shown will the Court grant an application to extend page limitations. No supplemental brief shall be filed without proof of leave of Court. Typeface shall comply with Local Rule 11-3.1.1. (Civil). **NOTE:** If the Times Roman font is used, the size must be no less than 14; if Courier is used, the size must be no less than 12. Footnotes shall be in typeface no less than one size smaller than text size and shall be used sparingly. Filings which do not conform to the Local Rules and this Order will not be considered.

14. Motions to Suppress: Motions to Suppress must be filed twenty-eight (28) days prior to the trial date and set for hearing one (1) week prior to the trial date at 8:30 a.m.

15. Sentencing Proceedings: Sentencing proceedings are conducted pursuant to Rule 32(a) of the Federal Rules of Criminal Procedure and the Local Rules. If any party wishes to present material to the Court related to the sentencing, such party must file, or otherwise make available to, and serve opposing counsel/parties and the assigned United States Probation Officer, such information or evidence no later than **two (2) weeks** before the scheduled sentencing hearing. The foregoing notwithstanding, a statement of each party's position concerning sentencing shall be filed, or otherwise made available, and served no later than two (2) weeks before the sentencing hearing and the proof of service shall reflect

1 service on the Probation Officer. The Probation Officer must be able to prepare and
2 disclose any addendum that may be required in response to new information and/or
3 evidence and/or a party's sentencing position. Failure to timely file or present and serve
4 such information or evidence or statement of position may result in such information not
5 being considered by the Court in imposing a defendant's sentence.

6 If any item regarding pretrial or trial is not specifically addressed in this Order, the Local
7 Rules and Federal Rules of Criminal Procedure shall be observed.

8 The Court thanks counsel and the parties for their anticipated cooperation.

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10 DATED:

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12 _____
13 S. JAMES OTERO
14 UNITED STATES DISTRICT JUDGE
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